

Audience Act Investigations

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Financial Management and
Comptroller**



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ADA Investigations

What It Is

Getting Ready

*Conducting an
Investigation*

Report Writing

Summary



ADA Investigations

A violation of the Antideficiency Act is a serious matter as it represents a violation of Federal statute

***Between FY 1987 and FY 1997
62 ADA violations investigated***

***From FY 1998 to present
38 ADA investigations investigated***



ADA Investigations

- FMR volume 14
 - Preliminary
 - check accounts
 - Report to ASN(FM&C)
 - Completed by Command personnel
 - Formal
 - Outside investigator
 - Assign responsibility
 - Discipline (?)
- OSD agree no violation



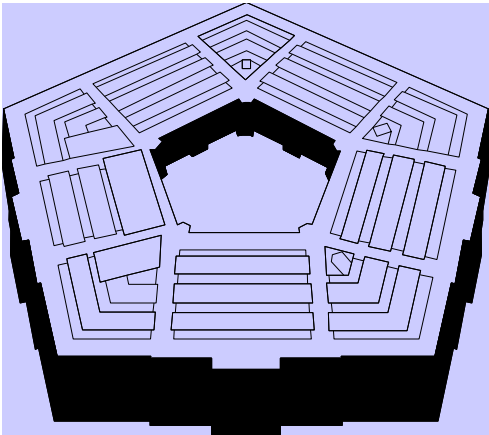
ADA Investigations

*The purpose of an investigation
is to obtain
facts sufficient to enable
responsible
authority to take intelligent
decisions about
corrective, remedial, or
disciplinary action.*



ADA Investigations

A formal investigation leads to a report which is submitted to OSD, the Congress and the President



ADA Investigations - Getting Ready

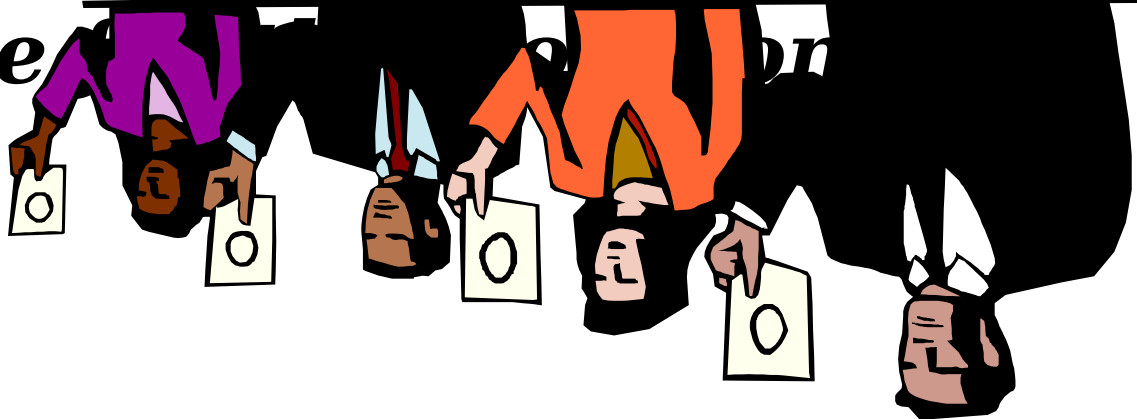


- 1. Review preliminary report & develop questions needed to ensure full understanding of facts and circumstances and applicable statutes and administrative limitations***
- 2. Validate the existence of the potential***

ADA Investigations -

Getting Ready

- 3. Examine physical evidence as needed***
- 4. Trace and document transactions - who authorized or approved***
- 5. Trace and document relevant decisions and circumstances that set the stage***



ADA Investigations -

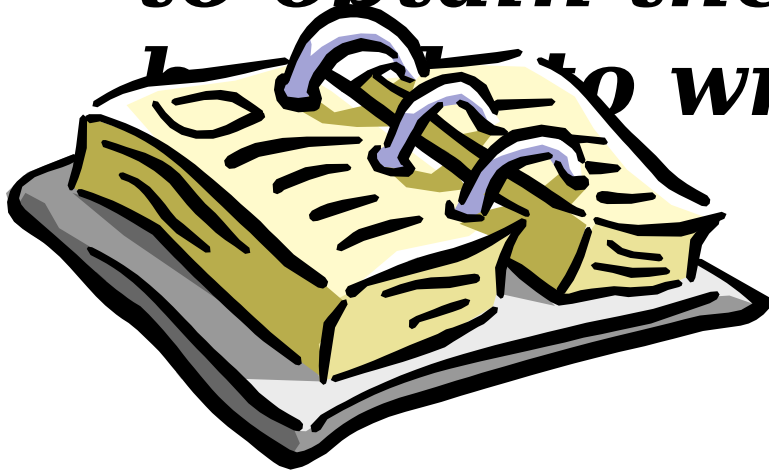
Getting Ready

- 6. Determine whom to interview - documents to request***
- 7. Prepare draft investigative plan***
- 8. Discuss plan with ASN(FM&C) POC***
- 9. Begin***



ADA Investigations - Getting Ready

The investigative plan is simply the outline of how the investigator intends to carry out the investigation in order to obtain the facts necessary to write the report.



ADA Investigations -

Getting Ready

Plan

1. **Objective** Complete Investigation of...
2. **Source of allegation(s)**
 - a. **Background and Allegations.**
 - b. **Applicable Regulations and Reference Publications.**
 - c. **Command(s) involved.**
3. **Documentation Required** - What information do you need?
 - a. **Witnesses.**
 - b. **Documents.**
4. **Administrative Matters.**
 - a. **Itinerary:**
 - b. **Notifications.**
 - c. **Travel Requirements.**



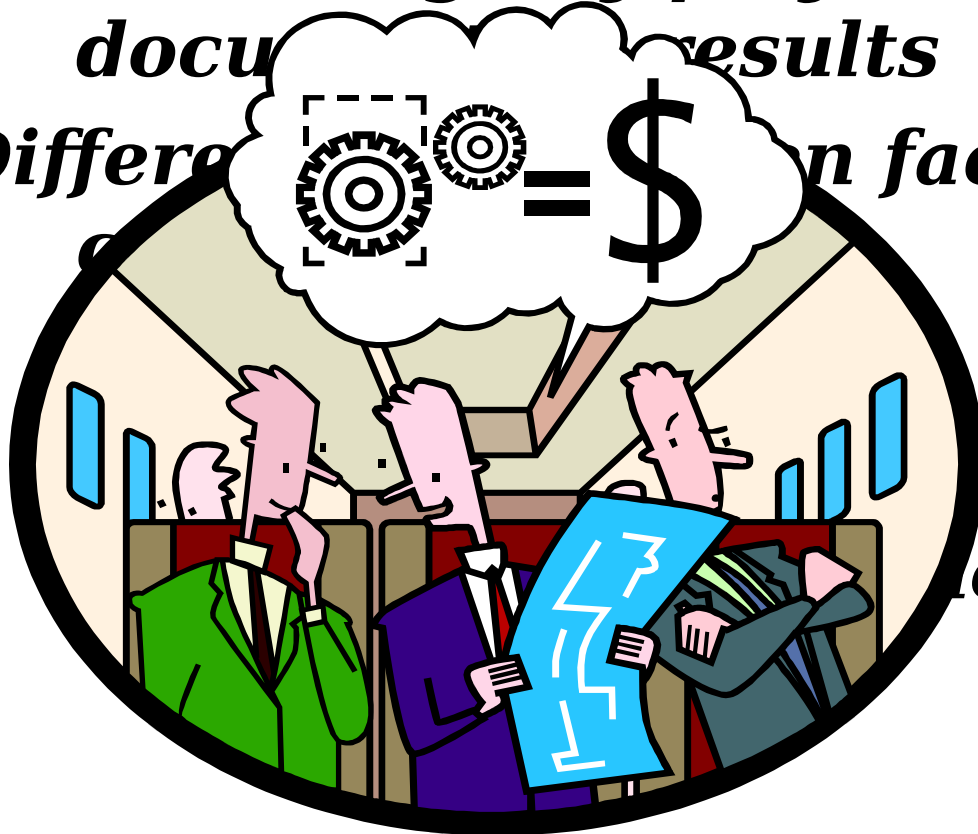
Investigator's Signature

ADA Investigations - Conducting an Investigation

Conducting an investigation includes

Interviewing key players and documenting results

Differentiating between fact, fiction and

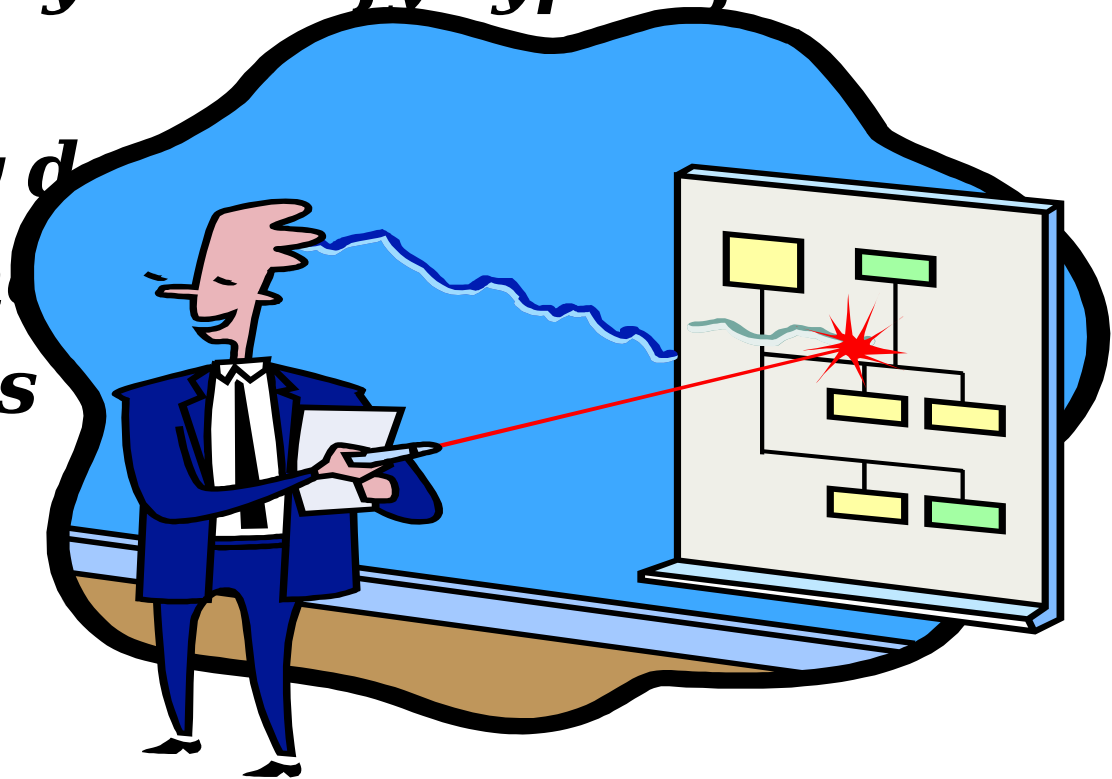


*Establish
chronology of actions*

ADA Investigations - **Conducting an Investigation**

Conducting an investigation includes

- ~ *Specifically identify type of ADA violation*
 - * *Identify d*
- ~ *Determine what actions caused it*



ADA Investigations - Conducting an Investigation

Conducting an investigation includes

- ~ *Determine degree of responsibility of key players*
And identify the individual(s)



*Assess whether
responsible individual(s)
committed violation
knowingly and willfully*

ADA Investigations - Conducting an Investigation

First step when visiting an activity - have an in-brief with Deputy Commander and other relevant personnel

Explain what you're doing



ADA Investigations - Conducting an Interview

Interview relevant personnel

There is no perfect method to do an interview, but there are a few rules...



***1. Shut up and listen
2. Shut up and listen
3. And rule 3 is....***

People like to talk - Let them

ADA Investigations – Conducting an Interview

Question process

General to Specific

Ask, receive, evaluate,

Conversational manner

Avoid leading questions

Limit yes or no questions



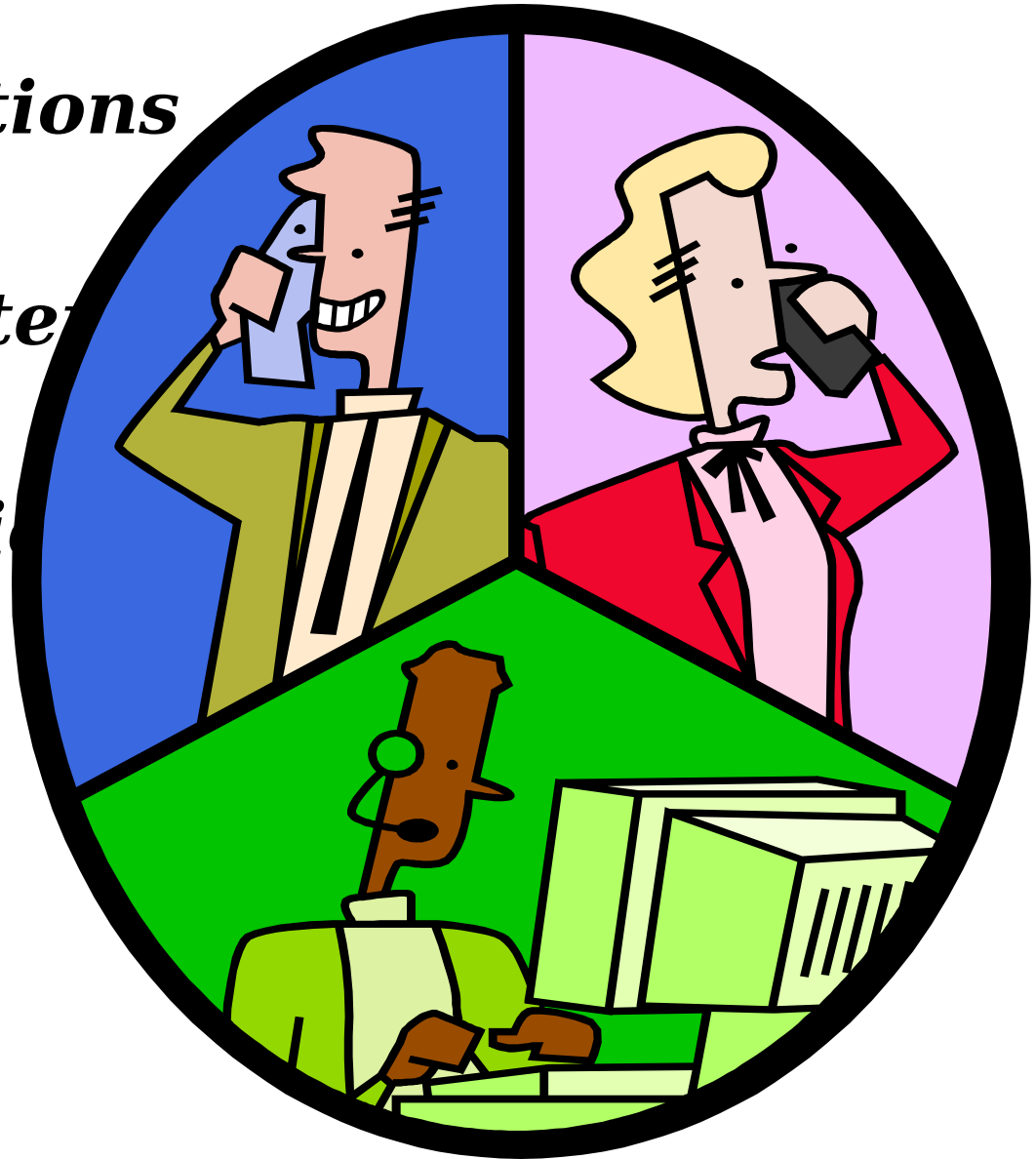
ADA Investigations -Conducting an Interview

Interviewing Options

Recording the interview

Telephone interview

Email



ADA Investigations - Report Writing

Begin writing report as soon as possible and continue as you progress with your work.



ADA Investigations - Report Writing

Authorization Identification - is generally the appropriation

Authority Document - Can be nearly any type of document

Authorization Grantor - Activity providing the funds

Authorization Holder - Activity holding the funds

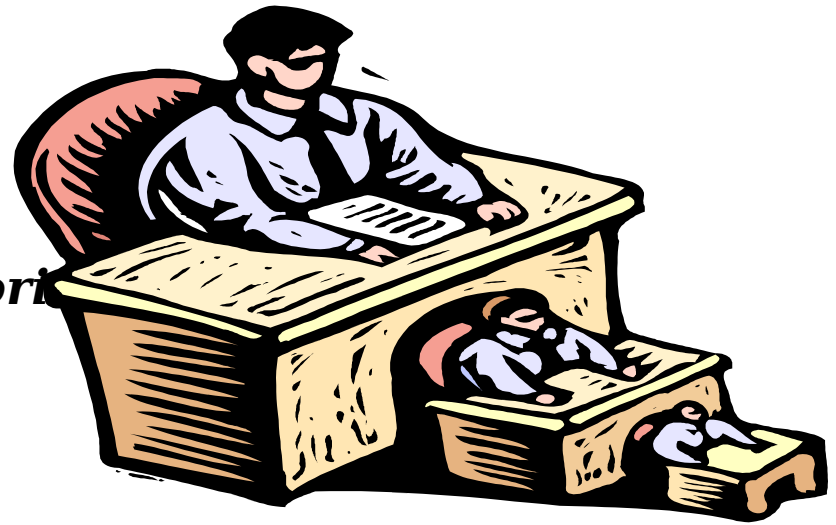
Detection of Violation - Obtain from preliminary review

Financial Data - Include a brief narrative explaining how the violation occurred

Type of Violation

Total Funds Authorized

Charges in Excess of Authority



ADA Investigations - Report

Writing *Statement of Circumstances - factual chronology*

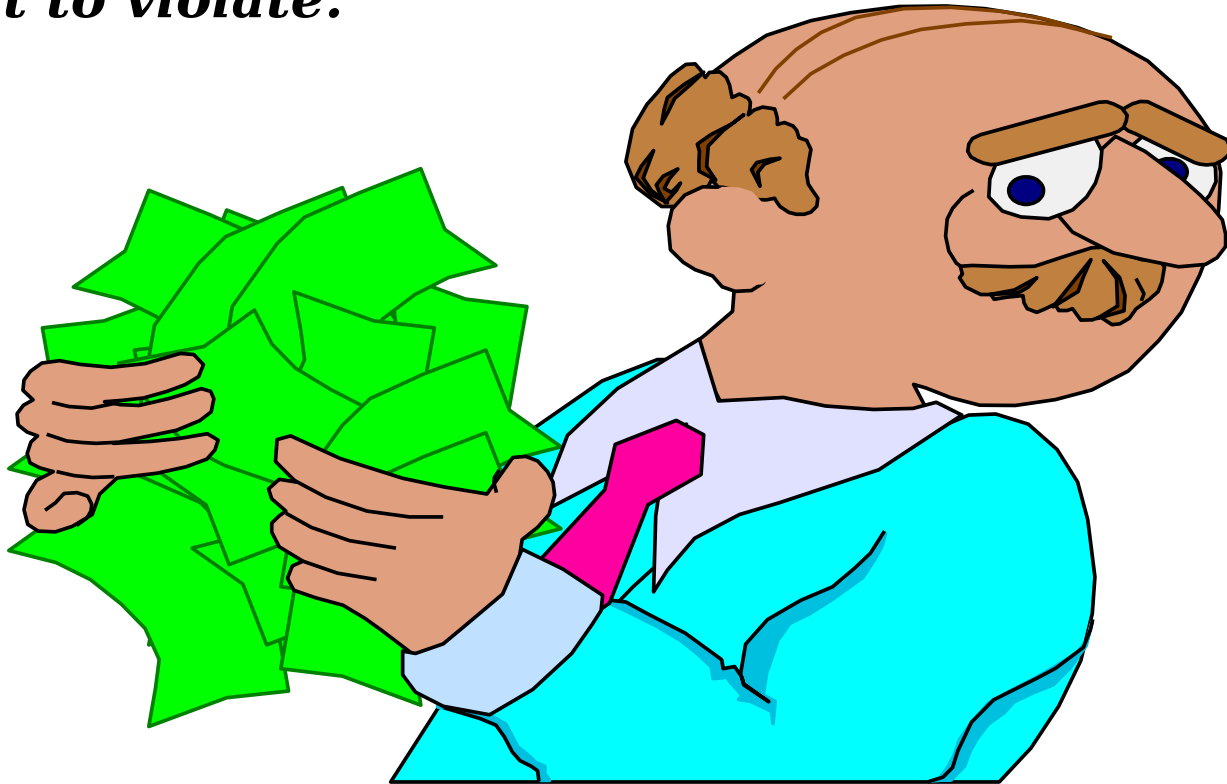


Elimination of Status of Violation



ADA Investigations - Report

Writing *Evidence of Willful Intent to Violate - statement of no intent to violate.*



*If there is evidence of willful intent, contact
ASN(FM&C) legal counsel for guidance. Cease
action - Investigation pending*

ADA Investigations - Report

Writing Responsibility for Violation - must identify individual(s) responsible. FMR does not allow a finding of no responsibility.



Responsible Parties

ADA Investigations - Report

Writing *Statement of Responsible Officials*



ADA Investigations - Report

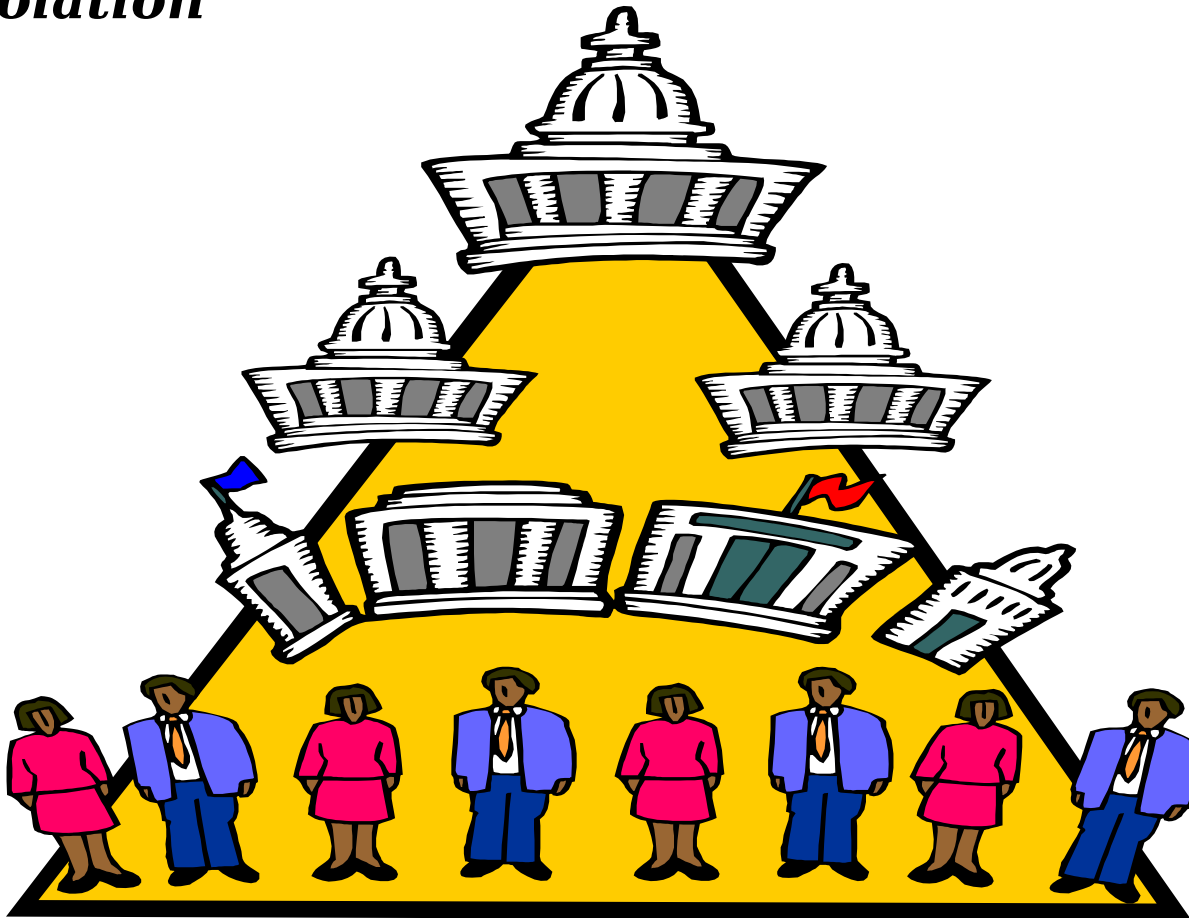
Writing *Disciplinary Action - Statute requires discipline*



Discipline has many forms

ADA Investigations - Report Writing

Procedural Action Taken - to avoid a future violation

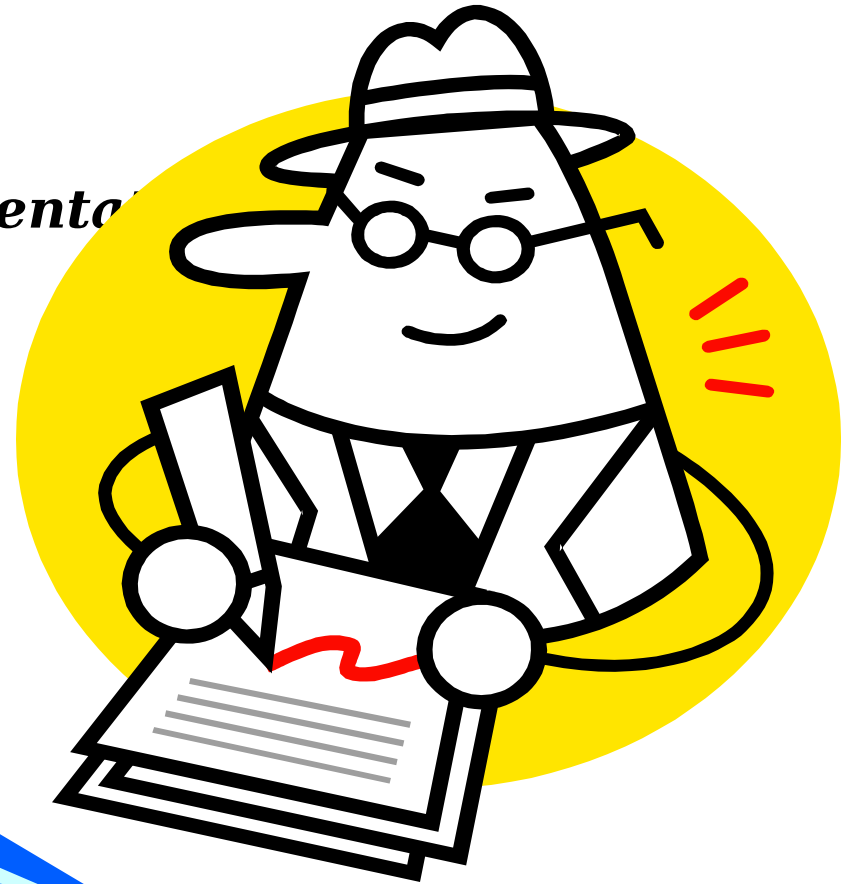


Evaluation of Authorization Holder's

ADA Investigations - Report Writing

Signature of investigator(s)

Attach all supporting documents



ADA Investigations - Lessons Learned

Completing an investigation will take more time than you anticipate

FMR Volume 14 is the

Become familiar with structure of the Command under investigation

What is their SOP?

How do funds flow?



ADA Investigations - Conducting an Investigation

DOs

DO maintain high standard of professionalism

DO get fully explained answers

DO develop facts

DO respect the interviewee

DO be fair, thorough, objective, and discreet

DO ask the hard questions

DO thoroughly research the standard

ADA Investigations - Conducting an Investigation

DON'Ts

DON'T browbeat, mislead, threaten, or intimidate

DON'T make promises

DON'T give advice or counsel

DON'T guarantee testimony cannot be used for adverse action

DON'T lose patience, temper, argue, or be snide

DON'T tell an untruth to get a truth

DON'T lead the interviewee or put words in their mouth

ADA Investigations - SUMMARY



*ADA
Investigations
Aren't
Easy*

Resources

- ◆ DOD FMR www.dtic.mil/comptroller/fmr
- ◆ FMB www.navweb.secnav.navy.mil

- ◆ ASN(FM&C) Office of Counsel
 - ◆ olsen.margaret@hq.navy.mil
 - ◆ Wood.bryan@hq.navy.mil

- ◆ ASN(FM&C) Budget Policy and Procedures
 - ◆ meadows.linda@hq.navy.mil
 - ◆ maguire.maggie@hq.navy.mil
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